

Oct 18, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CASSANDRA B.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:19-CV-03023-RHW

**ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 23.** The Commissioner of Social Security denied Plaintiff's application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C §1381-1383f. AR 1-4, 19. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings. ECF No. 23. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** the Motion.

The Commissioner's decision to deny Plaintiff's application for disability benefits is **REVERSED** and **REMANDED** for further proceedings pursuant to

ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND

1 sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council will
2 remand the case to an administrative law judge who shall:

- 3 • update the medical records;
- 4 • offer Plaintiff an opportunity for a hearing;
- 5 • comply with the prior court remand order;
- 6 • reevaluate Plaintiff's impairments at steps two and three of the
- 7 sequential evaluation process, with the assistance of expert testimony;
- 8 • reevaluate the medical opinion evidence – specifically, the opinions of
- 9 Aaron Burdge, Ph.D. and Jeffrey Carlin, M.D., and explain the weight
- 10 given to such opinion evidence;
- 11 • reassess Plaintiff's residual functional capacity, taking into account all
- 12 severe and non-severe impairments;
- 13 • reevaluate Plaintiff's subjective symptom testimony and lay witness
- 14 statement;
- 15 • proceed with the remaining steps of the sequential evaluation process,
- 16 obtaining vocational expert evidence to clarify the effects of the
- 17 assessed limitations on Plaintiff's ability to perform other work in the
- 18 national economy, as necessary; and
- 19 • issue a new decision.
- 20

21 ECF No. 23 at 2.

22 The parties stipulate that reasonable attorney fees may be awarded under the
23 Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

24 *Id.*

25 Accordingly, **IT IS HEREBY ORDERED:**

26 1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is **GRANTED**.

27
28 **ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND**

1 2. The Commissioner's decision is **REVERSED** and this matter is
2 **REMANDED** for further administrative proceedings consistent with this
3 order.

4 3. All pending motions in this matter are now moot.

5 4. Reasonable attorney fees may be awarded under the Equal Access to
6 Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

7 5. The District Court Executive shall enter judgment for the Plaintiff and
8 against Defendant.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
10 Order, forward copies to counsel, and **close the file.**

11 **DATED** this 18th day of October, 2019.

12
13 *s/Robert H. Whaley*
14 ROBERT H. WHALEY
15 Senior United States District Judge